

Green Highlights reference sections discussing walkability

1.3 Definitions

ARTISAN PRODUCTION - The production and sale of craft and artisan goods, including but not limited to food products for on-site or off-site consumption, provided that sales consist primarily of products produced on-site and/or directly associated with the products being produced on-site.

BREW PUB - Restaurants, licensed under the relevant state and federal statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises. Malt beverages including beer, ales and hard ciders produced on the premises may be sold to other establishments but shall not exceed 25 percent of the establishment's production capacity.

CLINIC – A facility operated by one or more physicians, dentists, chiropractors or other licensed medical practitioners for the examination and treatment of persons, including urgent care services, solely on an outpatient basis.

CRAFT BREWERY - A facility licensed under the relevant state and federal statutes, for the small scale production of beer, malt, wine, or hard cider beverages primarily for on premises consumption and sale with limited distribution to retail or wholesale, with a capacity of not more than six thousand (6,000) barrels, (a barrel being equivalent to thirty-one (31) gallons per year) and which may include accessory preparation and sale of food for on premises consumption. A CRAFT BREWERY may include other uses such as a restaurant and outdoor dining as permitted in the zoning district.

FUNCTIONAL OPEN SPACE - Public or privately owned outdoor spaces within the Lower Village Business District that are available to and/or designed for public or civic activity of patrons and/or the general public, including but not limited to pedestrian plazas, arcades, courtyards, seating areas, parks, commons, greens, gardens and other areas of pedestrian and/or cyclist amenities, such as sidewalks and walkways.

~~**GROCERY STORE** – A retail establishment where the majority of the GROSS FLOOR AREA is devoted to the sale of food products for home preparation and consumption, as well as incidental display and sale of other convenience and household goods.~~

INTERNAL ACCESS DRIVE - A travel lane either interior to a LOT or connecting to a public or private WAY, which allows motor vehicles access to and from the site or between parking areas and/or BUILDINGS on the LOT.

MICROBREWERY - A facility, licensed under the relevant state and federal statutes, for the production and packaging of malt, wine, or hard cider beverages for retail and/or wholesale distribution, on or off premise, with a capacity of not more than fifteen thousand (15,000) barrels, (a barrel being equivalent to thirty (31) gallons per year) and which may include a tap room where beverages produced on the premises may be sold and consumed. A MICROBREWERY may include other uses such as a restaurant and outdoor dining as permitted in the zoning district.

MIXED USE BUILDING - A BUILDING under single ownership, designed to encourage a diversity of compatible land uses, which include a mixture of residential uses, along with one or more of the following uses: office, retail, service, ARTISAN PRODUCTION, light industrial, or other miscellaneous uses allowed in the Lower Village Business District.

MOBILE FOOD VENDOR - A readily movable, motorized wheeled vehicle, or a towed wheeled vehicle, designed and equipped to serve food.

POP-UP MARKET - An occasional or periodic market held in an open area and/or within a STRUCTURE, where groups of individual sellers offer for sale to the public such items including but not limited to fresh produce, seasonal fruits, fresh flowers, arts and crafts, clothing, décor, and food and beverages dispensed from booths located on-site.

RETAIL SERVICE ESTABLISHMENT - Retail outlets that primarily render services rather than the sales of goods. Such services may include but not be limited to copy shops, printing services, package and postal services, cleaning services, and similar operations.

NEIGHBORHOOD RETAIL CENTER – A retail center providing convenience shopping for the day-to-day needs of consumers in the immediate neighborhood and/or community, anchored by a supermarket, drug store, hardware store or similar anchor offering products and services at a neighborhood scale.

SPECIALTY RETAIL CENTER – A shopping center composed mainly of high quality apparel or merchandise, anchored by restaurants, entertainment venues, specialized grocers or drug stores, and containing pedestrian scaled décor and high quality landscaped environments.

3.3.5 Lower Village Business District

3.3.5.1 Purpose

The purpose of the Lower Village Business District is to ~~encourage~~ **encourage** the creation of an attractive gateway to Stow, ~~developed~~ **informed** by the traditions of a ~~pedestrian oriented~~ **pedestrian oriented** New England village, where residents and visitors can safely and conveniently live, work, shop, dine and recreate. The Lower Village Business District will project the history and character of Stow through the architectural compatibility of its buildings and streetscape, providing residents and visitors with a defined sense of place. It will be a place to meet and connect, with civic spaces for gathering, and services accessible by all modes of transportation.

The following ~~core~~ **core** goals and objectives are intended to guide all development in the Lower Village Business District (LVBD) ~~including the vision for Lower Village articulated in the Lower Village Revitalization Subcommittee Final Report and 2010 Master Plan~~. All proposed development and redevelopment in the LVBD shall meet the following goals and objectives:

- ~~Encourage~~ **Encourage** site plans that ~~provide~~ **provide** a balance of vehicle, bike and pedestrian infrastructure to create, enliven and unify the streetscape around a cohesive look and feel.
- ~~Utilize-Incorporate~~ **Utilize-Incorporate** traditional New England development principles to create streetscape environments, and encourage ~~context sensitive~~ **context sensitive** architecture and site planning ~~that fits the character, and historical context of Stow;~~

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- Create an attractive gateway to Stow, which leverages the tourism draw of the Town's seasonal attractions through the provision of FUNCTIONAL OPEN SPACES and public gathering places as locations that reinforce the identity and activity of the LVBD and the community;
- Encourage opportunities for small-scale mixed-use development that provides for diversified housing opportunities that complement and enhance uses in the District;
- Utilize low impact development and green infrastructure to manage stormwater in a manner that adds to the aesthetics and functionality of the District;
- Manage site access from Great Road to create opportunities for inter-lot connections and interior streetscapes.

3.3.5.2 **Applicability**

The site and design ~~criteria and~~ standards within this Section 3.3.5 shall be applicable to all Parcels within the ~~district~~ Lower Village Business District. Site Plan Approval, in accordance with Sections 3.3.5 and 9.3 of the Zoning Bylaw shall be required for all USEs in the Business District, and specifically as follows-

The following actions shall require Site Plan Approval:

- A. a significant alteration to an existing BUILDING façade, including changes in the height, scale or massing of the BUILDING;
- B. Work which results in the increase of floor area, through either an addition to the principal structure and/or the addition of a new accessory structure;

The following development activity shall require a Special Permit:

- A. A change in ~~BUILDING-USE~~ that results in a greater number of required parking spaces or requires Planning Board approval for a change in the required minimum or maximum allowed spaces in accordance with Section 3.3.5.28(C), or a significant alteration of an existing BUILDING façade which results in a change in the height, scale or massing of the BUILDING;
- ~~B.A.~~ Work which results in the increase of floor area, through either an addition to the principal structure and/or the addition of a new accessory structure;
- ~~C.B.~~ Any activity requiring a new curb cut, and/or alteration to the circulation pattern of pedestrian and vehicles;
- ~~D.C.~~ Nothing in this Section 3.3.5 shall require a Special Permit for a proposed use described in M.G.L. c.40 s.3.

3.3.5.3 **USE Provisions**

The following USEs are allowed by Site Plan Approval in the Lower Village Business District:

- NEIGHBORHOOD RETAIL CENTERS with retail and RETAIL SERVICE ESTABLISHMENTS, provided there is no mixed-use, mixed-use residential, restaurants or drive through service component; Small-scale retail store and service establishments;

Commented [JS1]: This section offers the most strict interpretation of regulating uses, with nearly everything requiring a Special Permit.

However, there is potential to amend this section to include a table showing what can be allowed by SP and Site Plan Approval. The Board could allow alterations to parking areas by Site Plan Approval, as well as façade renovations, while new development would generally require a Special Permit.

~~provided that any new building construction does not result in over 2500 square feet of GROSS FLOOR AREA;~~

- ~~MOBILE FOOD VENDORS and POP-UP MARKETS;~~
- ~~Retail and RETAIL SERVICE ESTABLISHMENTS, including but not limited to banks, post offices, grocers, liquor stores, print and copy shops and dry cleaners;~~
- All USEs in which a Special Permit shall not be required, pursuant to M.G.L. c.40A s.3.

The following USEs are allowed by Special Permit in the Lower Village Business District:

- ~~Small scale retail store or service establishments that result in the construction of new BUILDINGS over 2500 square feet;~~
- ~~NEIGHBORHOOD RETAIL CENTERS which are proposed on the same site, or otherwise incorporate a mixed-use component or MIXED-USE BUILDING;~~
- ~~SPECIALTY RETAIL CENTERS, including multi-tenant sites with a mix of restaurants, retail and RETAIL SERVICE ESTABLISHMENTS;~~
- ~~Entertainment uses, including but not limited to music venues, bowling alleys and movie theaters;~~
- ARTISAN PRODUCTION provided that sufficient mitigating measures are employed to reduce noise that is above and beyond the typical expectation for small scale retail and service establishments;
- ~~Banks;~~
- ~~U.S. Post Offices;~~
- Business or professional offices, ~~either as single-USE BUILDINGS or as part of a NEIGHBORHOOD or SPECIALTY RETAIL CENTER, or other mixed-use development;~~
- CLINICS, ~~either as single-USE BUILDINGS or as part of a NEIGHBORHOOD or SPECIALTY RETAIL CENTER, or other mixed-use development;~~
- ~~GROCERY STORES, provided such businesses do not occupy more than 20,000 square feet of GROSS FLOOR AREA unless approved by the Planning Board in accordance with Section XX;~~
- Restaurant or other place for serving food and/or beverages, including MICRO BREWERIES, CRAFT BREWERIES and BREW PUBS;
- Owner-occupied Bed and Breakfast homes or establishments;
- Mixed-use development consisting of two or more of the above-listed uses on the same site or within the same BUILDING.
- ~~Mixed-use/residential development consisting of one or more of the above-listed uses together on the same site, or within the same BUILDING with construction of dwelling units in accordance with Section XX.~~
- ~~Drive through service component of an allowed USE, provided it is not primarily for the purpose of purchasing food or drinks;~~
- USEs not otherwise permitted in the Lower Village Business District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority finds that such uses, with any necessary mitigation

Commented [JS2]: Trader Joes - ~8k - 15k square feet
Aldi - ~12k

Whole Foods - ~ 40k at top end

Market Basket - ~ 80k
Hannafords - ~35k - 63k

measures, are in harmony with the character and uses permitted in the Lower Village Business District.

The following USEs are expressly prohibited:

- The provision of ~~goods and services~~ food and/or drinks via drive through window;
- Storage of vehicles, equipment and/or materials not incidental to an allowed use within the BYLAW;
- Motor vehicle service stations and other services that primarily exist for the purpose of providing services to motor vehicles.

3.3.5.4 Special Permit Granting Authority

The Planning Board shall act as the Special Permit Granting Authority for ~~any and all~~ Site Plan Review and Special Permit procedures associated with allowed USEs under this Section 3.3, and in accordance with Zoning Bylaw Section 9.2 – Special Permits, and 9.3 – Site Plan Review.

3.3.5.5 Application Procedures

An application for a Special Permit and/or Site Plan Approval to develop and use land in the LVBD shall be submitted in writing, in the form described herein, and in accordance with ~~the Special Permit~~ ~~any~~ Rules and Regulations-, in addition to any specific Rules and Regulations for the LVBD that the Planning Board may adopt.

3.3.5.6 Application Contents

The applicant shall be responsible for submitting the following materials and documentation at the time of application as applicable. All drawings shall be to scale.

- a. Completed Application for Special Permit and/or Site Plan Approval as applicable and in accordance with the contents and requirements of the applicable Rules and Regulations of the Planning Board;
- b. Additionally, for the purpose of determining conformance with the design standards of this Section, the Planning Board shall require the following information to be provided in the Application unless specifically waived by the Planning Board during the Public Hearing process:
 - i. Color photographs showing existing buildings and site conditions on and directly adjacent to the proposed project area;
 - ii. Plans showing building footprint and architectural elevations for all proposed buildings to determine the relationship between structures, including relationship to structures on contiguous lots;
 - iii. ~~Cross sections and/or~~ Typical sections for all internal access drives that include on-street parking, bike and/or pedestrian infrastructure, including sidewalks;
 - iv. Utility plans, including location of underground utilities existing ~~or~~ and proposed;
 - v. Samples of finished materials;

3.3.5.7 Review Procedure

Applicants are strongly encouraged to request a preliminary consultation with Planning Staff and/or the Planning Board prior to formal submission for the purpose of discussing design alternatives and site planning approaches during the early planning stages.

Commented [JS3]: Need to create LVBD section in the Special Permit Rules and Regulations and add this information.

3.3.5.8 Design Standards for the Lower Village Business District

The following Design Standards shall be used as a tool to help guide development and redevelopment, assuring that advancing the vision for the LVBD is an integral part of the permitting process. The Design Standards are a set of principles that offer a positive direction for BUILDING and site level design meant to incentivize creative development outcomes that support the evolution of Lower Village into a socially and economically vibrant District.

Architectural and site design shall conform to the intent and principles described in the design standards of Sections 3.3.5.10 – 3.3.5.14. Sufficient justification and/or rationale shall be provided in the Application for any derogations from design standard intent and/or principles described herein.

3.3.5.9 Architectural Design Standards

Residents of the Town of Stow have shown a strong preference for BUILDINGS that are cognizant of New England vernacular²s architectural traditions. Despite this preference, BUILDINGS in the LVBD are not required to appear historic, but rather respectful of historic traditions, while remaining functional and authentic. ~~Developers~~ Architects are encouraged to look to the historic structures of Lower Village and Stow's surrounding neighborhoods for inspiration.

All BUILDINGS and BUILDING additions shall be designed by an architect registered and/or licensed to do business in Massachusetts, unless otherwise waived by the Planning Board.

Commented [JS4]: For Rules and Regs

3.3.5.10 General Architectural Design of BUILDINGS

a. **Human Scaled Architecture** - The guiding principle of BUILDING design is that they shall be designed to the human scale. Human scale design may be represented in the following manner:

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i. Each individual architectural element of a BUILDING should be proportionate in relation to the overall BUILDING design;

ii. The scale of the entire façade should relate to and be respectful of the human-scaled streetscape.

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iii. Floor to floor heights should be governed by exterior proportions rather than building systems, and not be elongated or exaggerated to cover up functional elements.

iv. Uniformity in height shall generally be avoided. See façade design standards.

b. *Architectural Style* - While no specific architectural style shall be required, proposed BUILDINGS and STRUCTURES shall be cognizant of New England architectural traditions. BUILDINGS shall be human scaled and designed to create a positive

contribution to the STREET or INTERNAL ACCESS DRIVE upon which they are oriented.

- c. *Corporate Images* - Individual corporate image, trademark, or marketing architectural design elements and colors shall be incorporated only as secondary design elements of the BUILDING or SIGN and not as the dominant design element. These architectural design elements shall not define the character or style of the BUILDING or development.
- d. *Design Consistency* - A BUILDING's architectural style shall be generally consistent throughout; details from different eras and inconsistent styles should not be mixed on a single building.

3.3.5.11 Façade Design

BUILDING facades shall be designed promote visual interest and street level activity where applicable. Similar to the overall design of BUILDINGS, the scale of the entire façade should relate to the human-scaled streetscape.

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- a. *Architectural Details* - All sides of a building should contain architectural elements that define the overall architectural approach. Details such as texture, pattern, color, and building form used on the front façade should be incorporated on all facades as practicable.
- b. *Entrance Design* - Primary entrances to BUILDINGS shall be emphasized through detailing, massing, changes in materials, or other architectural methods to create entrances that are physically and visually accessible, welcoming and inviting.
- c. *Decorative Elements* - Decorative design elements shall be consistent with the architectural character of the BUILDING and scaled appropriately. Design elements shall add depth and visual interest to BUILDING facades, and could include the mixing materials and colors, decorative trim and molding, cornice details, stepped facades, and/or columns.
- d. *Massing and Articulation* - Façade articulations should be used to reduce the apparent length, monotony and mass of larger buildings, creating the illusion of several smaller buildings with common walls and a consistent rhythm of facades. All buildings shall have sufficient relief which interrupts the horizontal and vertical plane of each wall. Where appropriate, a repeating pattern of articulation may be used to provide continuity and balance.
- e. *Materials* - Materials such as brick, wood, stone, iron, and glass provide a sense of permanence to BUILDINGS, and should be used where appropriate to provide texture and visual interest to the streetscape and/or support transitions to FUNCTIONAL OPEN SPACES.
- f. *Awnings* – Awnings are permitted on BUILDINGS at a first floor entrance facing a public STREET or an INTERNAL ACCESS DRIVE. They may project over a public ROW provided that proof of insurance is provided. A minimum clearance of ten feet shall be maintained between the ground surface and the lowest element of the marquee or awning.

- g. *Functional Elements* – All vents, down spouts, flashing, electrical conduits, meters, service connections and other functional elements shall be treated as integral parts of the design to the extent practicable. Where appropriate, these elements shall be painted to match the color of the adjacent surface, unless used expressly as an accent.

3.3.5.12 *Multi-Story BUILDING Design*

To promote street level activity, multistory BUILDINGs shall be designed to provide a sense of “base,” “middle” (where applicable), and “top.”

- a. Ground-level facades along public STREETs or INTERNAL ACCESS DRIVEs shall be given a “stronger” appearance than upper floors. Such a distinction between ground-level facades and upper floors may occur by incorporating two of the following features: color change, texture change and material change;
- b. Ground floor ceiling height shall be taller than upper stories to emphasize the ground floor as the “base” of the buildings. Ground floor ceiling heights should be a minimum of 10 feet;
- c. Middle floors of BUILDINGs shall be made distinct from the ground floor by a change in material or color, window treatment, incorporation of balconies, stepbacks, signage bands, and other elements as appropriate. Horizontal moldings, belt courses, or other features should be utilized to create visual separation between each story of the building.
- d. The top of the building shall emphasize a prominent edge when viewed against the sky, utilizing elements such as projecting parapets, cornices, upper level stepbacks, pitched rooflines or other design elements as applicable.

3.3.5.13 *BUILDING Siting and Orientation*

The siting and orientation of BUILDINGs in the LVBD shall be guided by the principles of vibrant, pedestrian-oriented streetscapes. Where a BUILDING is oriented toward Great Road, the development shall utilize INTERNAL ACCESS DRIVEs to the extent practicable, for the purpose of ensuring pedestrian activity through on-street parking activity that can provide relevancy to the BUILDING frontage along Great Road. The Planning Board encourages site designs that offer decentralized parking, create an environment along Great Road that treats the BUILDING as a focal point to draw customers and visitors to the interior of the site in a safe, pedestrian-oriented manner. While orienting parking to the side or rear of BUILDINGs is encouraged, it is not the intent of the design standards to create, non-functional frontage along Route 117, with the majority of the development’s activity facing a rear parking area.

- a. *INTERNAL ACCESS DRIVEs* – INTERNAL ACCESS DRIVEs should be used as a method for creating streetscape environments, which BUILDINGs may be oriented toward. Such drives should further be utilized as a tool for providing street parking where applicable and activating the frontage along existing STREETs by incentivizing pedestrian activity between INTERNAL ACCESS DRIVEs to the extent practicable. INTERNAL ACCESS DRIVEs shall be designed to accommodate potential future inter-lot connections

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where current connections are not physically possible, or where agreement between landowners has not been reached.

- b. *Streetscape Orientation* - The primary facades and main pedestrian entrances of BUILDINGS shall be situated on a STREET or INTERNAL ACCESS DRIVE with the emphasis on orientation toward streetscape environments.
- c. *Entrances* - At least one customer entrance shall be provided along a building face that fronts a STREET or INTERNAL ACCESS DRIVE. Where frontages are on both a public STREET and an INTERNAL ACCESS DRIVE, one entrance shall be located on the public STREET.
- d. *Site Cohesion* - Multiple buildings on the same site should be designed to create a cohesive visual relationship, as well as efficient circulation and access for pedestrians and vehicles. Accessory BUILDINGS should be designed to complement the primary BUILDING and/or USE on the site in design and material expression.
- e. *Location on Site* - BUILDING placement should take best advantage of solar orientation, climatic and other environmental conditions, should encourage safety and use of adjacent FUNCTIONAL OPEN SPACES.
- f. *Orientation to Open Space* - BUILDINGS adjacent to public open space and/or FUNCTIONAL OPEN SPACE should generally be oriented to that space as practicable.
- g. *Incorporation of FUNCTIONAL OPEN SPACE* - Land within the allowable setback should include FUNCTIONAL OPEN SPACES that accentuate and enliven the streetscape, including but not limited to shade trees and landscaping, pedestrian plazas, outdoor dining spaces, benches and bike amenities. Areas of lawn, without trees or landscaping shall be discouraged in the setback area.
- h. *Low Impact Development* - Implementation of Low Impact Development techniques is strongly encouraged, including, but not limited to, storm water management practices, alternative surfacing materials, building and site design elements, and landscaping features.
- i. *Sustainability* - The practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from siting to design, construction, operation, maintenance, renovation, and deconstruction are strongly encouraged.
- j. *Utilities* - All electrical utilities shall be located underground.

Commented [JS5]: Believe this concept is crucial to ensure that we don't create fake facades with the majority of all real activity focused on the rear of the building. Such a practice creates retail spaces that appear backwards, where storage and shelving is placed up against what should be storefront windows.

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3.3.5.14 *Parking*

The intent of parking in the LVBD is to incentivize decentralized parking areas that maintain a pedestrian streetscape environment are oriented to incentivize shared arrangements and use with abutting lots and landscaped to soften their visual impact. The following standards shall apply:

- a. Parking shall be located, to the maximum extent practicable, toward the rear of BUILDINGS and along property lines where joint-use or combined parking areas with abutting properties are proposed, exist or are anticipated;
- b. On-street parking should be utilized to the extent practicable to promote active pedestrian streetscapes, provide for efficiency of circulation, and create opportunities to enliven the district;
- c. Parking shall be visually broken up to create a series of smaller groupings;
- d. Parking lots shall be designed to accommodate snow storage on site or a plan for off-site storage shall be approved;
- e. Landscaping within parking lots shall be designed to create spaces, define edges, provide shading, add seasonal interest and provide water quality treatment for runoff.
- f. Shade trees shall be evenly distributed within parking areas, and shall be placed to maximize shading affect;
- g. Shared parking is strongly encouraged to reduce vehicular traffic, minimize impervious surface and encourage pedestrian movements between buildings;
- h. Accommodations for electric vehicle charging stations shall be provided to the extent practicable.

3.3.5.15 Dimensional Requirements

Development in the LVBD shall consist of work on a single PARCEL, or on multiple PARCELS under single ownership, with definite boundaries ascertainable from a deed or recorded plan. There shall be no minimum width, frontage, or lot area in the LVBD. Any PARCEL or LOT created in the LVBD, inclusive of any proposed USE, BUILDING or STRUCTURE, which lacks frontage on a STREET or way, or adequate width frontage width for accessing the use intended, shall provide evidence of deeded, legally enforceable access rights through a private driveway or access road.

Commented [JS6]: This is meant to ensure that access can be provided to lots that may not have adequate frontage and so that ANR plans may be approved if necessary.

3.3.5.16 BUILDING Setbacks from STREETS or INTERNAL ACCESS DRIVES

Setback requirements in the LVBD are intended to create active streetscapes with a diversity of landscaped areas, pedestrian amenities, and FUNCTIONAL OPEN SPACES.

- a. Front yard setbacks shall be a maximum of fifty (50') feet along Great Road, measured from the back of the existing sidewalk, or curline where no sidewalk exists, to the front of the BUILDING. A BUILDING may have various setbacks from the STREET or INTERNAL ACCESS DRIVE, where the design of the façade includes bumpouts and other architectural features.
- b. BUILDINGS with ground floor entrances along pedestrian accessible INTERNAL ACCESS DRIVES shall be set to the back of sidewalk. The Planning Board may allow for larger setbacks where the BUILDING design provides for pedestrian plazas, outdoor dining spaces, or other amenities that enliven the streetscape.
- c. Where BUILDINGS do not abut an existing sidewalk, the Planning Board may require a walkway to access BUILDING entrances, and/or a secondary sidewalk or pedestrian walkway along the immediate frontage of the BUILDING.

Commented [JS7]: May need to move to the design guideline portion or note an exception for greater setback based on the criteria stated.

- d. A BUILDING located on a corner or a corner LOT, shall be considered to have two front yards for the purpose of meeting setback requirements.
- e. Parking for vehicles shall not be allowed within the required BUILDING setback, unless provided for in accordance with Section ____ of this Bylaw.
- f. Front yard setback requirements may be waived by the Planning Board for the purpose of allowing additional BUILDINGS toward the rear of a LOT, such as in courtyard configurations, provided that the forwardmost BUILDING(s) on the lot comply with the front setbacks listed here *and* such BUILDINGS are designed and situated in a manner consistent with the Design Standards of Section ____.
- g. The Planning Board may extend the maximum front yard setback to seventy five (75') feet where the requirements of 3.3.5.11(b-f) are met *and* such extension will improve the location and usage of pedestrian plazas, courtyards, terraces, outdoor dining spaces or other FUNCTIONAL OPEN SPACE;

Commented [JS8]: Recommended by the consultant. Additional buildings are governed primarily by the Design Guidelines. Partially based upon Bedford MA bylaw.

3.3.5.17 Side and Rear Yard Setbacks

The minimum side and rear yard setback shall be 0 feet except where the side and/or rear yard of a PARCEL shares a LOT line with the Residential District, in which case the requirements of Section 3.3.5.14 shall apply.

3.3.5.18 Buffer to Abutting Districts

For PARCELS abutting the Residential District, the Planning Board shall require a substantially opaque landscaped buffer or fence, which is designed to minimize impacts from abutting residential parcels. Buffers to the Residential District shall be required in accordance with the following schedule:

Commented [JS9]: Do not believe that an exceptionally wide setback is needed when a fence is also proposed.

- a. Where a STRUCTURE, or BUILDING is proposed within fifty (50) feet of an existing residential DWELLING UNIT in the abutting Residential District, the Planning Board may increase the width of the landscaped buffer and/or require installation of a fence.
- b. All Parking Lots and loading areas shall be setback (XX') feet from the abutting Residential or Recreation Conservation District, and shall include a landscaped buffer, designed in accordance with Section 3.3.5.20 of this Bylaw.
- c. Where a parking lot or loading area is proposed within XX feet of an existing single family dwelling unit in the abutting Residential District, the Planning Board may increase the width of the landscaped buffer to XX feet and/or require installation of a fence not more than 8' feet in height.
- d. Landscaped buffer areas shall be designed in accordance with the landscaping Design Standards in Section XX.

3.3.5.19 Maximum Height of Structures

The intent of height limitations is to allow three occupied floors, with the uppermost occupied floor to be within a sloped roof to lessen the visual mass. No BUILDING shall have more than

three (3) stories. The maximum height of BUILDINGS, including MIXED USE BUILDINGS and STRUCTURES shall be 35 feet.

3.3.5.20 **LOT Coverage**

The FLOOR AREA RATIO in the LVBD is .4. The Planning Board may increase the allowable FLOOR AREA RATIO where at least two of the following design criteria can be met:

- a. The proposed development contains a MIXED-USE BUILDING with residential units on the second and/or third floor and which conforms to the design guidelines established in this Section;
- b. The Site Plan includes more than the minimum amount of FUNCTIONAL OPEN SPACE;
- c. Proposed BUILDINGS are oriented to an INTERNAL ACCESS DRIVE, either shared among abutting LOTS or internal to the subject LOT, in a manner that creates a walkable, streetscape environment consistent with the design guidelines of this Section;
- d. The development is subject to a SHARED PARKING AGREEMENT approved by the Planning Board.

3.3.5.21 **Maximum Commercial Tenant Unit Size**

The maximum commercial tenant unit size within a BUILDING shall be limited to 20,000 square feet of GROSS FLOOR AREA. The Planning Board may increase the allowable commercial tenant unit size where the following design criteria are met:

- a. The BUILDING housing the commercial tenant unit includes multiple tenants;
- b. The site plan is designed in a manner which aligns with the Design Standards of this Section and which specifically orients parts of the BUILDING to pedestrian accessible streetscapes, either on Great Road or through INTERNAL ACCESS DRIVES;
- c. Exterior walls and/or sides of the BUILDING that contain loading zones are situated either to the side or rear of the BUILDING in a manner that does not infringe upon the streetscape.

3.3.5.22 **Performance Standards**

The purpose of the following Performance Standards is to incentivize site planning that meets the intent of the Design Standards in Section ____, while ensuring opportunities for mitigating development impacts. The Planning Board shall require compliance with the following standards on all LOTS in the LVBD.

3.3.5.23 **MIXED USE BUILDING Standards**

The purpose of allowing MIXED USE BUILDINGS in the LVBD is to provide for increased viability of the District's commercial USEs, as well as to increase the diversification and availability of small-scale housing opportunities in Stow. The following standards shall apply to MIXED USE BUILDINGS.

Commented [JS10]: The Board could allow provisions for an increase in height if the Building is a certain number of feet from a public way or where there is a forward most building along the frontage that sets the rear building back in a manner that makes it less imposing. There could also be an allowance for step back design where the higher portion of a Building is set back from the shorter front of the building.

Commented [JS11]: This section is a fairly conservative approach to managing lot coverage. Staff recommend not including FAR standards and instead relying on the design standards as part of the Special Permit process to improve flexibility and let the good design lead the process.

Commented [JS12]: Recommended by Bob Mitchell given the intent of the district. I feel it is important to be able to alter this requirement where some of the core design/use components of the district are met.

Commented [JS13]: Given the Board is not moving in the direction of free standing residential structures, this section refers to "buildings" rather than "development."

Location within Structures	MIXED USE BUILDINGs shall be prohibited on the ground floor of any BUILDING in the LVBD except as allowed in accordance with Section 3.3.5.10(c) of this Bylaw.
Maximum Number of Bedrooms	Two (2)
Dwelling Units Per Acre	Six (6)

Commented [JS14]: Increased from 4 to 6 to move in the direction of B. Mitchell recommendations. Staff feel that if the design standards can be met, the number of units per acre is less of an issue, as it positively reinforces the viability of the commercial spaces that the bylaw is incentivizing. Staff feel that 8-10 units per acre would better incentivize such structures.

3.3.5.24 Ground Floor USEs

The ground floor of BUILDINGs shall be primarily occupied by USEs that promote an active streetscape and are designed in accordance with the Design Standards established in **Section XX**. The following performance standards shall also apply:

- The facades of BUILDINGs that contain entrances to ground floor USEs, shall have at least 50% of the ground floor as transparent windows;
- Garage doors, including loading bays and docks are prohibited from the front façade of BUILDINGs;*
- Ground floor residential units shall be allowed only on the side or rear of a MIXED USE BUILDING, provided that they do not share a façade with the primary entrance to ground floor commercial USEs. **The Planning Board may waive this requirement to allow stairway access to second floor residential units or ground floor storage for residential units, where it can be demonstrated that such access will not disrupt the commercial pedestrian streetscape environment.**

Commented [JS15]: Recommended language from Bob Mitchell Report

3.3.5.25 Incorporation of FUNCTIONAL OPEN SPACE

All developments requiring an LVBD Special Permit and/or Site Plan Approval shall include at a minimum, five percent (5%) of the LOT area as FUNCTIONAL OPEN SPACE. Amenities that qualify as FUNCTIONAL OPEN SPACE may be contiguous or spread among various locations on the site.

In approving the Site Plan, the Planning Board will look for demonstration that the following opportunities have been considered:

- The FUNCTIONAL OPEN SPACE shall contribute to the village atmosphere of the District, enliven the streetscape and provide patrons, residents and the general public opportunities for outdoor enjoyment;
- The design of proposed FUNCTIONAL OPEN SPACE shall anticipate future connections of FUNCTIONAL OPEN SPACE on abutting properties and provide design opportunities for such connections where applicable;

Commented [JS16]: May want to move the considerations in this section to the design standards section, leaving only the requirements in this Performance Standards section.

- c. Proposed developments shall connect to abutting FUNCTIONAL OPEN SPACE areas where applicable to create a contiguous streetscape environment and improve village amenities;
- d. Portions of the FUNCTIONAL OPEN SPACE may be designed to function as low impact development and/or green infrastructure stormwater management areas, including but not limited to rain gardens, xeriscape landscapes, swales and other techniques. Such infrastructure may be incorporated into the FUNCTIONAL OPEN SPACE where such management techniques improve the aesthetics and/or functionality of the space;
- e. The Planning Board may require benches, sitting walls, waiting areas, bicycle racks, stroller bays, and other sheltered spaces near building entrances.
 - i. Sitting walls shall be a maximum of 20” inches high and 12” inches wide.

Commented [JS17]: The Current floor area ratio is .3.

3.3.5.26 INTERNAL ACCESS DRIVE Standards – The following standards for INTERNAL ACCESS DRIVES are meant to promote active streetscapes environments, while providing for functional circulation for a variety of transportation modes. The following shall apply to the design of INTERNAL ACCESS DRIVES:

- a. INTERNAL ACCESS DRIVES intersecting with Route 117/Great Road shall be positioned to align with existing intersections to the extent practicable;
- b. On street parking is encouraged where practicable. Parking spaces shall be designed in accordance with Section of the Zoning Bylaw.
- c. Turning radii and travel lane widths shall be designed to accommodate SU-30 emergency apparatus;
- d. INTERNAL ACCESS DRIVES shall be designed with measures to provide maximum safety and mobility for pedestrians, cyclists and motorists as practicable. Measures may include but not be limited to:
 - i. Bulb-outs / Curb extensions;
 - ii. Center island medians;
 - iii. Landscape treatments;
 - iv. Pedestrian refuge islands;
 - v. Raised crosswalks, speed humps and tables;
 - vi. Rectangular rapid flashing beacons; and
 - vii. Other measures as applicable.
- e. Sidewalks meeting the Massachusetts Architectural Access Board design standards shall be installed along both sides of INTERNAL ACCESS DRIVES. The Planning Board may waive the requirement for sidewalks on both sides of the INTERNAL ACCESS DRIVE where the following design criteria are met:
 - i. There are portions of the INTERNAL ACCESS DRIVE which are primarily used for vehicle circulation and pedestrian circulation is otherwise adequately provided on the site pursuant to the Design Standards;

- ii. Sidewalks and walkways abutting or interior to the parking area provide alternative pedestrian access;
- iii. The INTERNAL ACCESS DRIVE either currently does not or is unlikely to be used to provide pedestrian connection to an existing or proposed BUILDING or pedestrian destination.
- f. Street trees shall be located at an interval of 30 feet on center and shall be of a species listed in the Shade Tree List published by the Town of Stow Tree Warden. Additional landscaping shall be provided on INTERNAL ACCESS DRIVES in accordance with Section ____ of this Bylaw. The Planning Board may allow for the clustering of street trees, provided the overall required number of trees is provided.
- g. Curbing and structured drainage facilities shall be provided pursuant to the Stow Zoning Bylaw, and all state and federal regulations.
- h. Other than secondary access for emergency use, no driveway for a non-residential principal use shall cross land in a residential zoning district in which the principal use is not allowed.

Commented [JS18]: May move to the landscaping standards section.

Commented [JS19]: From Stow Parking Bylaw

3.3.5.27 **Sidewalk Standards**

Sidewalks are intended to connect all areas of a site that pedestrians may utilize. The standards are meant to further provide for active BUILDING frontage, with ample space for outdoor displays, dining and wheelchair accessibility.

- a. Sidewalks and/or walkways are required to connect BUILDING entrances to BUILDING entrances, BUILDINGS to STREETs, and BUILDINGS to sidewalks and adjacent FUNCTIONAL OPEN SPACE or public features, such as parks and playgrounds, with minimal interruption by INTERNAL ACCESS DRIVES.
- b. Unless otherwise stated in this Section, all sidewalks and walkways shall meet the minimum requirements of the Massachusetts Architectural Access Board (MAAB);
- c. Sidewalks may be located wholly or partially within the street right of way. If located on the LOT, sidewalks may be considered part of the minimum required FUNCTIONAL OPEN SPACE.
- d. Ground floor entrances to BUILDINGS shall be serviced by a sidewalk of at least 10 feet wide. The Planning Board may alter this requirement where the addition of landscaping or FUNCTIONAL OPEN SPACE offers improved streetscape design;
- e. To the extent practicable, sidewalks shall have a degree of shelter achieved through the combined use of building fronts, trees, low hedges, arcades, trellised walks, or other means to delineate the pedestrian space;
- f. Outdoor restaurant and café seating, merchandise displays, planters, and sandwich board signs placed on the sidewalk shall leave a pathway along the sidewalk of at least four (4') feet that is free of obstruction.
- g. Sidewalks servicing the ground floor entrances of BUILDINGS shall be separated, as practicable, from the STREET or INTERNAL ACCESS DRIVE with a landscaped buffer to protect pedestrians and create an inviting streetscape. The landscaped planting zone between the sidewalk and STREET, INTERNAL ACCESS DRIVE or parking area, shall extend at least 50% of the façade length.
- h. Landscaped buffers shall consist of shade trees placed at appropriate intervals along with other landscaping, and street design elements such as benches, shrubs, or grass. Landscaping shall be organized in clusters of plantings where applicable rather than in a rigid line along the front of the lot. Landscaped buffers that include street design elements may be counted toward the 5% minimum FUNCTIONAL OPEN SPACE.

Commented [JS20]: Adapted from Bedford, MA village zoning bylaw.

3.3.5.28 **Parking Requirements**

The purpose of this Section is to incentivize decentralized parking areas that provide a diversity of walkable, pedestrian streetscape environments that are oriented to encourage shared arrangements with abutting lots and landscaped to soften their visual impact.

Commented [JS21]: Includes provisions from Stow's current parking bylaw.

- a. *Conformance to Design Standards* – Any parking area serving a USE or USEs allowed in the LVBD shall be designed in compliance with the following standards and design guidelines in **Section 3.3.5.8**;
- b. *Parking Lot Construction* - Required parking spaces, loading areas and INTERNAL ACCESS DRIVES shall be provided and maintained with suitable grading, paved surfaces and adequate drainage which is suitable in accordance with good engineering practices.
- c. *Minimum Parking Accommodations* The base parking schedule for the Lower Village Business District shall be approved in accordance with Section 7.3.3.5 of the Zoning Bylaw and shall apply to individual uses in the Lower Village Business District. As part of the LVBD Special Permit process, the Planning Board may permit reductions or increases to the requirements of the Schedule of Parking.¹ The Planning Board shall consider the following criteria upon request to alter the Schedule of Parking in Section 7.3.3.5 of the Zoning Bylaw:
 - i. The extent to which the parking design maximizes pedestrian flow to, from and within the development;
 - ii. The extent to which the parking design improves the overall conformance to the design guidelines in **Section 3.3.5.8**;
 - iii. Existing or proposed shared parking agreements;
 - iv. Parking studies, reports or testimony from qualified professionals, indicating the rationale for alternative parking minimums and/or maximums for the USE proposed.
- d. *Maximum Parking Space Grouping* – To encourage decentralized parking arrangements, no more than twenty (20) parking spaces shall be grouped together without separation conforming to the parking landscaping requirements in **Section 3.3.5.8**.
- e. *Parking Accommodations for Mixed Use Facilities* - MIXED USE BUILDINGS, or LOTS which contain more than one USE, are considered mixed-use facilities. In the case of mixed-use facilities, the parking requirements shall be the sum of the requirement calculated separately for each use, so that adequate space shall be provided to accommodate all vehicles anticipated on the premises at any one time. The Planning Board may permit a reduction in the number of parking spaces required where at least one of the following criteria can be met:
 - i. The application demonstrates that the differing USEs proposed have differing peak parking requirements;
 - ii. The application includes proposals for shared parking agreements to manage parking demand.

¹ Smart Growth/ Smart Energy Toolkit – TND_INC Model Bylaw

- f. *Required Off-Street Loading Areas* - One or more off-street loading areas shall be provided for any business that may be regularly serviced by delivery vehicles, including container trucks, SU-30 design vehicles or other similar delivery vehicles. Adequate areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time. Loading areas shall be located at either the side or rear of each BUILDING and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites.
- g. *Comparable USE Requirement* – Where a USE is not specifically included in the Schedule of Parking, it is intended that the regulations for the most nearly comparable USE specified shall apply. Alternative parking standards to those required in Section 7.3.3.5 may be accepted if the applicant demonstrates to the satisfaction of the Permit Granting Authority (BUILDING INSPECTOR if no special permit or site plan approval is required), or their designee, that such standards are adequate for the intended USE.
- h. *Location of Parking Facilities* – Parking in the LVBD is not intended to be the dominant feature of a proposed site plan. Parking facilities shall be located at the side or rear yard of BUILDINGS, in accordance with the design guidelines in Section 3.3.5.8.
- Parking facilities shall not be allowed within the required BUILDING setback, unless the following design criteria are met:
- i. The parking is along an INTERNAL ACCESS DRIVE, designed to resemble on-street parking and/or a pedestrian friendly street frontage for BUILDINGS, including angled or parallel parking;
 - ii. A sidewalk is located between the BUILDING and the INTERNAL ACCESS DRIVE, which meets the sidewalk standards of Section 3.3.5.17.
- i. *Standard Parking Dimensional Regulations* - Parking dimensions shall be designed in accordance with Section 7.5 of the Zoning Bylaw.
- j. *Inter-lot Connections* – Inter-lot connections for vehicles and pedestrians are encouraged to improve connectivity of the District, and to avoid unnecessary vehicles trips to and from Great Road. The Special Permit Granting Authority (SPGA) may require driveway and walkway connections to abutting LOTS where practicable. Where such connections are not available due to existing conditions on abutting LOTS, the SPGA may require amendments to the site plan to allow efficient connections in the future.²
- k. *Changes in USE* – Any change to a BUILDING, STRUCTURE or USE, or a change from on permitted USE to another permitted USE shall comply with the requirements of the Schedule of Parking for the entire BUILDING, STRUCTURE or USE as changed.
- l. *Undetermined Uses* – here the tenants of a BUILDING or USE has not been determined at the time of application for Building Permit or Lower Village Business District Special Permit, the parking requirements applicable to the most intensive use allowed in the district

Commented [JS22]: Falmouth Maine includes similar guidance. Similar designs have been used in other parts of Massachusetts where a community wants to encourage street frontage even though the district may be along a heavily trafficked arterial.

Commented [JS23]: From Stow Parking Bylaw

² Town of Acton Zoning Bylaw, April 2016

where such undetermined use is to be located shall apply provided, however, that the number of parking spaces actually built need not exceed the number required by the actual USE or USEs of the BUILDING when established to the satisfaction of the permit granting authority by calculation and/or appropriate condition or covenant in recordable form. The SPGA may alter the number of spaces required in accordance with Section 3.3.5.18(a).

3.3.5.29 *Parking Facility Buffer from Abutting Districts*

- a. Off-street parking and loading areas which are located within twenty (20') feet of a Residential District or a Recreation-Conservation District boundary (whether on the side or rear) shall be screened from all adjacent LOTS in said districts by a landscaped buffer strip of at least ten (10') feet in width. Landscaped buffers shall be improved with grass, trees, shrubs, flowers, or other materials to an adequate height and density to visually obscure parked vehicles from view. The mix of deciduous and evergreen vegetation varieties shall be tolerant to the climatic conditions of Stow.
- b. The Planning Board may reduce the width of the landscaped buffer or parking screening in certain locations on the site plan where strict conformance would derogate from the intent of the design standards.
- c. Where parking is located adjacent to a public STREET or INTERNAL ACCESS DRIVE, it shall be screened with a year-round screen between the parking and the sidewalk. The screen shall have a height between 36" and 42" and consist of a combination of landscaping and/or fencing. Screening areas shall be between 4 and 7 feet in depth. Pedestrian access to the parking lot shall be provided from the sidewalk as well as from any INTERNAL ACCESS DRIVE or commercial driveway as applicable.

Commented [JS24]: Need to ensure this conforms to the residential buffer section.

3.3.5.30 *Perimeter Planting Strip* – Parking lots adjacent to STREETS, sidewalks, paths or INTERNAL ACCESS DRIVES shall include a perimeter planting strip four (4) to seven (7) feet wide. The planting strip shall be protected from vehicular damage through the use of planting beds that may be raised above the surface of the parking lot, through the use of concrete wheel stops, or other measures to ensure that vehicles will not damage the landscaping. The planting strip may include non-opaque fencing, such as iron or other materials that can provide an attractive, physical separation between the parking, and pedestrian or vehicular passages.

- a. *Shade trees* – One shade tree shall be provided for each two thousand (2,000) square feet or less of pavement area. Each shade tree shall be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expected to reach at least 20 feet in height at maturity; be seven (7) feet in height with a trunk caliper size of at least 3/4 inches at the time of planting; and be surrounded by a landscaped area of one hundred square feet (100 sq. ft.) to accommodate the root system of the tree. Additional landscaping may be required by the Planning Board to better screen the parking lot from the STREET and adjacent USES.
- b. *Plantings* – Plantings for landscaped areas shall include a mixture of flowering and decorative deciduous and evergreen trees and shrubs and shall be planted with suitable ground cover. Where practicable, native plants and other drought tolerant species shall be utilized to reduce water consumption.
- c. *Sight Distance* – All landscaping along any STREET shall be placed and maintained so that it will not obstruct sight distance.

Commented [JS25]: Some bylaws include a different calculation, such as:

"Shade trees shall be planted to meet a minimum ratio of 1 tree for every 5 spaces."